The Southern PATRIOT

Vol. 14. No. 3 Published by the Southern Conference Educational Fund, Inc. March, 1956

COURT OPENS N. O. SCHOOLS, VOIDS JIM CROW DEVICE

Speaking for a three-judge federal court on Feb. 15, Judge J. Skelly Wright outlawed segregation in the New Orleans public schools in a decision that:

(1) Voided the statute rigged by the Louisiana legislature whereby segregation could be preserved by placing the schools under the "police power" of the state;

(2) Bluntly ignored the Orleans Parish school board's argument that integration would have grave effect on educational standards, public health and public morality.

The jurist, himself a native of New Orleans, said the state law passed in 1954 could not be considered as being beyond the province of the decision of the U. S. Supreme Court in the Topeka schools case. One provision of the law declared that school superintendents should assign students to particular schools, and that students would only be admitted to the school assigned them. If there were dissatisfaction with the assignment, a hearing could be sought before the superintendent and the school board. Concerning this provision, Judge Wright commented:

"To remit each of these minor children and the thousands of others similarly situated to thousands of administrative hearings before this board to seek the relief to which the Supreme Court of the United States has said they are entitled, would be a vain and useless gesture, unworthy of a court of equity. It would be a travesty in which this court will not participate."

However, the decision set no timetable for integration of the New Orleans schools:

"The granting of a temporary injunction in this case does not mean that the public schools in the parish of Orleans would be ordered completely desegregated overnight, or even in a year or more. . . . The problem of changing a people's mores, particularly those with an emotional overlay, is not to be taken lightly. . . . But the magnitude of the problem may not nullify the principle. And that principle is that we are, all of us, free-born Americans, with a right to make our way, unfettered by sanctions imposed by man because of the work of God."

The ringing conclusion of Judge Wright's ruling should have conveyed to the parties of suit the humane spirit he hoped would guide their compliance with it. And NAACP officials immediately offered their cooperation in working out a program such as the judge had indicated. But unfortunately, the Orleans Parish school board is deaf to democratic doctrine, from whatever the source, and it has announced its intention to file an appeal.

The New Orleans case has broad regional significance in that it marks the first time a federal court has scrutinized one of the state segregation laws that were jerry-built after the Supreme Court decree. The scornful rejection of a plan allowing superintendents to assign pupils hits the heart of schemes that other states have adopted or are considering. For example, Alabama's "school placement" law empowers boards to place students on the basis of a great list of allegedly sociological and psychological reasons. Its fate in future litigation does not look very bright.

"Health and Morals" Plea Refuted

One of the chief points of the New Orleans school board's unsuccessful defense of racial segregation was the contention that integration would lower educational standards and create a health menace to the entire population.

In the effort to buttress the brief, affidavits were submitted by: (1) the superintendent of schools citing results of a progress test in which Negro pupils scored lower than whites; (2) the statistician of the state public-health department stating that the incidence of venereal disease and illegitimacy is higher among Negroes than whites; (3) eight physicians claiming that integration would harm the health of white pupils and lead to a spread of venereal diseases in the community; (4) three psychiatrists asserting that integration would be "psychiatrically traumatizing to the children of both races."

The federal court, in deciding against the board, did not consider any of these aspects worth discussion or refutation. But this does not mean that the "health and morals" argument will be abandoned by the segregationists. The widely heralded article in January's **Harper's** magazine by South Carolina editor Thomas R. Waring—"The Southern Case Against Desegregation" — covered the same ground. Waring also added class differences and comparative crime rates to the list.

Anticipating further attempts to stall integration efforts by such appeals to medical and social "fact," the SCEF and its Medical Advisory Committee, in cooperation with a committee representing the New Orleans Medical Association, have decided to launch a full inquiry into the subject. Some of the initial findings are presented here.

Dr. W. H. Harris, Jr., assistant professor of pathology in the Tulane University medical school, wrote in **Catholic Action**, a publication of the Louisiana archdiocese:

"Venereal disease is not a health problem in school children, no matter what the relative incidence in quoted statistics may be, because:

"1. Venereal disease in children of school age is predominantly congenital (inherited) and in this form is not considered contagious.

"2. Venereal disease, in general, is acquired by intimate sexual contact, not from toilet seats, etc. . . .

"3. Venereal disease is recognized by most authorities as a socio-economic, not a racial, problem. . . .

"4. Several years ago, a team of public-health and pediatric specialists conducted a survey of health conditions in the public schools of Orleans Parish. Nowhere in their report is venereal disease mentioned as a health problem.

"5. In four years of examination of parochial school children, white and colored, venereal disease has not been encountered as a health problem."

Clarence A. Laws, NAACP field secretary in Louisiana, declared:

"Those using health statistics to show that there is a higher incidence of certain diseases among Negroes and whites know:

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MONTGOMERY: PERSECUTION, RANTING SHAMED BY PRAYER

(Special-on-the-scenes report)

In Montgomery, Ala., the dignity and forbearance of Negro residents has put to utter shame the moral climate that has been described as being "several stages lower than the bottomless pit."

Eighty-nine participants in the boycott of transit buses were arraigned February 24 on charges of violating an ancient state law originally designed to harass labor unions. The Negro community responded to this wholesale roundup by declaring a day of pilgrimage and prayer. They pledged to shun all vehicles and to walk everywhere they went. They held special services in the churches on the theme of "loving your enemies."

At the same time, Gov. James E. Folsom was presiding over a gathering of the state's editors and publishers whom he had summoned to discuss means of alleviating racial tension in Alabama. Since this was the same group who had virtually unanimously opposed his election to office, Folsom's move was compared by one observer to that of "a man hanging from the edge of a cliff by one hand asking somebody who has been trying to murder him to pull him up."

The governor handled the affair badly. He "forgot" to invite Negro newsmen. "The racial difference is one of the most fundamental in all human nature, outside of reproduction," he rambled. And then, a remark that drew applause from White Citizens Council leaders: "No one in his right mind thinks that colored children and white children will be going to school together in Alabama in the foreseeable future."

Editor James E. Mills of the Scripps-Howard Birmingham Post-Herald arose to say that racial questions must be solved according to "tradition," but he had no proposal to offer. Jack Brock, editor of the Alabama Labor News and avowed member of the Montgomery WCC, declared that labor unions have sought "to raise the Negro economically, but the rank and file will fight tooth and nail to prevent mongrelization of the races."

Folsom suggested formation of a 25-member interracial commission to advise public officials. This received approval, as he promised not to have any "wild and woolly" Negro leaders on the commission.

At the Dexter Avenue Baptist Church, a block away from the capitol, it was hard to find what "wild and woolly" people the governor was talking about. The indicted Negroes had gathered for a special prayer meeting. They represented every walk of life—ministers, physicians, college professors, students, seamstresses, porters, postal employes, insurance executives, small businessmen, service men. They sang a hymn with words especially written for the occasion, to the tune of *Old-Time Religion*. The lyrics went:

We are moving on to victory
We are moving on to victory
We are moving on to victory
With hope and dignity.

We will all stand together . . .
Until we all are free.

Black and white both are brothers . . .
To live in harmony.

The presence of three Air Force sergeants among those indicted, was surprising. Montgomery's income is so heavily dependent on nearby Maxwell Air Force Base that the base's racial integration policy and its personnel enjoy a certain immunity. Master Sgt. Booker T. Holmes of Emerson, Ark., was asked how he had become involved.

He said: "I was driving a group of my friends home one day and this fellow in civilian clothes—I guess he was a policeman—stopped me and asked for my driver's license. He wrote down the information on it and then let me go. That was three weeks ago and I hadn't heard anything more about it until now." The other two sergeants said they had had the same experience. And a retired cafe operator came up to say he had lent his car to the jitney service and he presumed the police traced the license number.

Such was the evidence on which indictments were returned against the "conspiracy . . . to harm the lawful business" of the Montgomery City Lines.

Boycott Proves Negro's Maturity

The boycott of transit buses by some 40,000 Negro residents of Montgomery, Ala., will not escape mention by any historian of this era.

These persons, of every age and every occupation, have suffered inconvenience and harassment with a positive joy—the joy that comes with realization of what sharing and cooperation can accomplish. They call their tactic "passive resistance," evoking the heroic struggle for freedom by the natives of India. And they show themselves to possess true Gandhian endurance. As the Rev. Ralph Abernathy declared, in rejecting a weak compromise offer to settle the bus-seating dispute: "We have walked for eleven weeks in the cold and the rain. It is getting warmer now. Therefore, we'll just keep on walking until our city fathers propose something better."

Reverend Abernathy, and his fellow boycott leader, Rev. M. L. King, Jr., are only 27-years-old. Attorney Fred D. Gray, who has carried the bulk of the legal burdens of the boycotters, is 25.

A long series of grievances led to the declaration of the boycott on December 5. Bus drivers, under color of the segregation statute empowering them to separate passengers, uprooted Negroes to make room for white riders, or passed Negroes by at stops, or even flashed guns to "settle" disputes over change and transfers.

The specific spontaneous incident that touched off the protest was this:

On the night of December 1, Mrs. Rosa Parks, an assistant to the tailor at Montgomery's largest department store, was returning home from work. As she explains it, she was dead tired, she was suffering from the chronic bursitis that plagues her shoulders, and she was carrying a sack of groceries. She seated herself in the front part of the Negro section of a bus and waited to be taken to the public-housing project where she lives. (There are no Jim Crow signs on Montgomery buses; Negroes fill the buses from back to front, whites from front to back.)

After a few blocks, Mrs. Parks heard the driver order her to move back. She looked up to see a white man standing in the aisle, waiting to take her seat. But she felt just too tired to move, or to care about the consequences of not moving.

The bus driver repeated his command. She remained seated, even after he threatened to call the police. The driver stopped the bus and left to get the police. He was gone for nearly thirty minutes. Mrs. Parks didn't move. None of the other passengers moved. No one, white or Negro, spoke to her. "It was the longest half-hour in my life," she says.

After being booked, her trial was set for December 5. The boycott was originally intended to last that day only, but such was the strength of popular indignation, it continued. Mrs. Parks was fined $14. This conviction was upheld in district court on February 22, and she now plans an appeal to the Alabama supreme court.

AUBREY WILLIAMS: ADVICE TO UNIONS AND CHURCHES

(The following is an excerpt from the speech given by SCEF president Aubrey Williams at the annual convention of the National Lawyers Guild in Detroit, Feb. 12. It touches on two of the cruel facts of the contemporary scene—the rise of the White Citizens Councils and the ambiguous role of Southern churches and unions—and makes concrete suggestions as to the steps men of good will in the South and over the nation should take.)

What then can be done? How can the South be brought to accept the Negro as an equal under law?

I find myself in agreement with Mr. Adlai Stevenson when he says we must work thru education and we must give certain parts of the South time to make the change over from the present climate of opinion to the desired climate.

I am not sure I would mean the same thing Mr. Stevenson does by "education." In saying this I do not mean to belittle or minimize the important part schools and colleges have played and must continue to play in the opening up of mental horizons formerly closed and of getting light and truth into minds formerly dark and unsure but I do not think we can depend upon the schools or institutions of higher learning to do what needs to be done. For there is much more that needs to be done, for example there is much that organized labor can do, Internationals can do much.

The C.I.O. at one time was doing the sort of thing which needs now to be done. It was holding schools at Highland Folk School at Monteagle, Tennessee, where union leaders from all parts of the South gathered and were exposed to the broadening attitude of their Internationals. It was a very sad day when this was stopped. You do not get rid of a man's prejudice by signing him up in a union. In many ways unions are the key to this situation. They can do a great deal by again undertaking group education of their leaders. Nothing probably holds out more promise than this.

The same is true of the churches. Most every Southern church is a member of a national body. These national bodies have a responsibility and an opportunity. They have done a great deal already. But they need to do more and they need to do it now. The next six months are crucial. The white citizens councils are made up largely of church members, and members of organized labor. These White Citizens Councils are the most dangerous.

It is true that the politicians are most often the actual leaders and propose the courses to be taken—but they act in accordance with the number and vehemence of such masses as show up in such movements as the WCC. When such groups begin to dwindle politicians adopt softer adjectives and propose less violent action. They depend upon and are entirely responsive to the common people—therefore the great importance of organized, overt work by national church group and unions just now in the South.

There are large number of courageous ministers and laymen in all denominations in the south. They need support and help. More often what they are getting is a demotion to a small post for having stood up for the Negro. They are more often than otherwise punished by their boards of trustees—or their bishop—for standing up for the teachings of Christianity.

What I am trying to say is that we have got to counteract with every intelligent peaceful means at our disposal those forces which are again poisoning and debauching the Southern mind. For we are seeing again happen what has happened at least three or four times before. Times when the South was on its way to rid itself of this paralyzing and parasitic growth upon its body, only to have the forces of prejudice, ignorance, and greed rise and fill men's mind with hatred and fears and turn what was about to be a liberating of the Negro into a new set of denials and discriminations. We need to counter this with forces of good will, enlightment and education in all the senses of that concept. We need to give aid and help to every organization, every individual who is willing to go even a short way in the direction of getting the South to more fully accept the principles of equality for all citizens.

We need understanding, not criticism. We need positive help, not pious lamenting that there are still men who think and act as some Southerners do. We need help for organizations and individuals, not reprisals and punitive legislation.

We need to do it by example.

BILBO & UNCLE TOM

Aubrey Williams told this "Bilbo story" to the Lawyers Guild. Its pungent point has pertinence today, and it deserves wider circulation:

One time Bilbo got fed up with all the criticism of conditions in Mississippi, so he decided to disprove it for once and all by having old Uncle Tom testify as to how Negroes were treated there.

He brought Uncle Tom to the broadcasting studio and, on a nationwide network, urged him to talk.

"Do they hear me in New York?" Uncle Tom asked.

"Yes, yes. Go ahead."

"And in San Francisco?"

"Yes."

"And Chicago.'

"Everywhere, they're listening. So talk."

Uncle Tom coughed, then grabbing the mike with both hands, said: "Help!"

Letters: More on Patriot's "Tone"

To the Editor:

I have just been reading the November issue of the *Patriot* and have taken to heart the tone of some of the letters; one writer felt the language used in discussing the Eastland report was too much like that of the Communist press. I don't know much about the Communist press, but I do know that even the most noble causes can be hindered by intemperate language. When the children of light employ the methods of the children of darkness, they may be understood.

The American Legion is certainly one of the disintegrating forces of our time. It seems to have no broad, constructive policies, but stands waiting to attack what may be called the forces of emancipation. It gets behind, or attracts into itself all the jealousies and hatreds of the former bodies of "shirters" and other Fascist movements, and inevitably fights anything like the Fund for the Republic. The ACLU is a kind of perennial target for such elements in our society, but it has weathered many attacks, and I am sure the SCEF will do the same.

MARJORIE F. WARNER,
Walpole, New Hampshire.

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To the Editor:

Your information is important and interesting. I dislike your violent mode of expression—agreeing with the letter from Bob Childers of Houston, Texas.

Dr. Allen Hackett's address is excellent; why not copy his calm, firm, un-

(Continued on Page 4.)